

Finin2min

[Labour Publication Series](#)

Labour & Manpower Law Publication Series

Part 7 - Confidentiality, appeal and employer duties

POSH Act and Rules | Statutory text/source record, practical procedure, controls, remedies and Q&A.

Review date: 2026-07-18 Authors: CA Nikhil Gupta & Kajri Singh Source modules: 3

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POSH Act and Rules Confidentiality, appeal and employer duties four-step compliance flowchart

Finin2min decision flow — identify the law, complete the statutory process and preserve evidence.

Source protocol. Retained provision/rule pages and official documents are consolidated below. The signed Gazette and current authority portal prevail over normalised formatting.

Decision flow

Coverage→Statutory trigger→Procedure/form→Evidence→Remedy/appeal

Official source

[Open current official source](#)

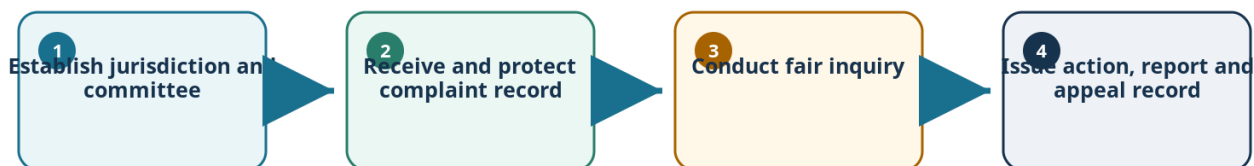
Finin2min Summary - Chapter in 2 Minutes

This chapter turns confidentiality, appeal and employer duties into an operational control file. It covers Confidentiality And Data Handling, Employer Compliance Checklist, Employer Duties Training And Policy; the practical sequence is to classify coverage and event date, apply the provision and mapped Rule, complete the form/register, calculate the entitlement or exposure, and retain evidence for inspection, claim or appeal.

Part 7 - Confidentiality, appeal and employer duties

FININ2MIN LEGAL FLOW

POSH Act and Rules — Confidentiality, appeal and employer duties



Law → trigger → procedure → evidence. Confirm the operative Central/State instrument on the event date.

Use this flow with the chapter provision map, implementation controls, evidence checklist, limitation/forum review and remedy framework. Confirm the operative Central and State instruments on the event date.

Part 7 - Confidentiality, appeal and employer duties

Finin2min implementation explanation

Maintain a controlled implementation file for Part 7 - Confidentiality, appeal and employer duties: coverage and event date, operative Central/State instrument, responsible owner, approval and authority, form/portal step, due date, calculation basis, supporting evidence, exception, escalation and closure proof. Reconcile payroll, HR, finance, contractor and legal records before sign-off.

Practical example

A manager shares complaint details with uninvolved staff. Contain the disclosure, document recipients and purpose, apply confidentiality and retaliation controls, and preserve appeal/action timelines.

Calculation / control template

Control calculation: verified population or transaction base $\times$ applicable notified rate/amount $\times$ eligible period, adjusted for statutory inclusions, exclusions, ceilings, interest, compensation and prior payments. Reperform the calculation from retained source data.

Current-law control: verify the operative Central/State instrument, notification, form, portal and binding judgment on the event date. Numerical amounts in examples are illustrative unless expressly sourced.

Who is covered

Every workplace, employer, Internal Committee, Local Committee, aggrieved woman, respondent and inquiry participant must follow the applicable complaint and confidentiality framework.

Main obligations and rights

- Confidentiality And Data Handling
- Employer Compliance Checklist
- Employer Duties Training And Policy

Key thresholds and timelines

- Use only the threshold, rate and limitation period effective on the event date; verify the Central/State instrument before acting.

Forms, registers and evidence

- Register
- Return
- Nomination
- Retain classification, calculation, approval, communication, acknowledgement and payment/filing proof.

Employer risk snapshot

Highest practical risks: committee defects, limitation errors, confidentiality breach or non-implementation of recommendations.

Employee/worker remedy snapshot

Core protection: a time-bound complaint process, interim protection, confidentiality and appeal under the statutory framework. Confirm the authority, limitation and appeal route stated in this chapter.

Old law / transition

Apply the instrument effective on the event date and preserve any accrued right, saved notification, pending proceeding or scheme-specific transition.

Five-point professional checklist

1. Freeze the event date, establishment, location and person/worker classification.

2. Identify the controlling section/paragraph, mapped Rule, notification and appropriate Government.
3. Reperform the calculation or decision test and document every exception or approval.
4. Complete the prescribed form/register/portal step and retain acknowledgement, payment and communication evidence.
5. Record the remedy, forum, limitation, appeal path and State variation before sign-off.

Finin2min takeaway: for confidentiality, appeal and employer duties, the defensible answer is not a policy label - it is the event-date law, the mapped procedure, the calculation and a complete evidence trail.

[Download one-page Finin2min cheat sheet](#)

Confidentiality And Data Handling

Confidentiality and data handling | Finin2min Skip to content finin min Home POSH hub Confidentiality and data handling POSH practical guide Confidentiality and data handling Finin2min operating guidance linked to the Act, Rules and current official implementation material. Authors: Nikhil Gupta & Kajri Singh Data reviewed on 17 July 2026 Protected information Complaint contents, identities and addresses, witness information, conciliation and inquiry proceedings, recommendations and employer/District Officer action are protected from publication or communication to the public, press and media. Operational controls Need-to-know access and named custodians. Separate case folders from general HR files. Encrypted digital storage and controlled downloads. Redacted management reporting and anonymised training examples. Documented destruction/retention schedule aligned with litigation and service rules. Permitted public information Anonymised information about justice secured may be disseminated only where it cannot identify the aggrieved woman or witnesses. Primary provisions Use the section and rule repository and the source register . Apply State rules, service rules and current forum details before acting. Guides Applicability Committee Timeline Reporting SHe-Box Checklist

Finin2min implementation decode

A multi-location employer prepares a legal classification memo, identifies the appropriate Government, maps the operative provision and Rule, records the decision owner and retains the documents needed to prove compliance during inspection or litigation.

- Identify actor, trigger, threshold and territorial authority.
- Map form, record, portal, fee and due date.

- Separate substantive entitlement from procedure, remedy and penal consequence.
- Retain the official instrument and event-date evidence.

Employer Compliance Checklist

Employer compliance checklist | Finin2min Skip to content finin min Home POSH hub Employer compliance checklist POSH practical guide Employer compliance checklist Finin2min operating guidance linked to the Act, Rules and current official implementation material. Authors: Nikhil Gupta & Kajri Singh Data reviewed on 17 July 2026 Governance Control Evidence Frequency Coverage and location assessment Worker counts and administrative-unit map Quarterly and on structural change Committee constitution Written order, eligibility, tenure and gender balance Continuous; formal annual review Policy and display Current policy, circulation, penal consequences and contacts Annual and on change SHe-Box Organisation/location/committee data and access log Quarterly Training Employee and Committee attendance and material Recurring Case process Limitation, service, response, hearing, quorum and timeline tracker Per complaint Confidentiality Access list, secure folder, redaction and breach protocol Continuous Annual reporting Signed reconciliation across all reports Annual State layer Rules, District Officer, Local Committee and reporting source Half-yearly Escalate immediately: missing committee, expired tenure, no external member, no woman Presiding Officer, fewer than half women, complaint ageing near ninety days, confidentiality incident, recommendation not acted on within sixty days, or inconsistent annual counts. Primary provisions Use the section and rule repository and the source register . Apply State rules, service rules and current forum details before acting. Guides Applicability Committee Timeline Reporting SHe-Box Checklist

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Employer Duties Training And Policy

Employer duties, policy and training | Finin2min Skip to content finin min Home
POSH hub Employer duties, policy and training POSH practical guide Employer
duties, policy and training Finin2min operating guidance linked to the Act, Rules
and current official implementation material. Authors: Nikhil Gupta & Kajri Singh
Data reviewed on 17 July 2026 Section 19 controls Provide a safe workplace;
display consequences and committee order; conduct regular awareness and
committee orientation; provide facilities; assist attendance; make information
available; support police action; treat sexual harassment as misconduct; and
monitor committee reports. Rule 13 operating model Adopt and widely circulate a
policy, train committee members, conduct employee awareness and dialogue, run
capacity building, publish committee contacts and use Government modules
where applicable. Cadence Control Suggested evidence New joiner awareness
Induction completion and policy acknowledgement. Recurring employee session
Attendance, material and assessment. Committee skill building Scenario practice,
procedure and report-writing training. Annual governance review Composition,
tenure, complaints, ageing, training, SHe-Box and reporting reconciliation.
Primary provisions Use the section and rule repository and the source register .
Apply State rules, service rules and current forum details before acting. Guides
Applicability Committee Timeline Reporting SHe-Box Checklist

Finin2min implementation decode

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- Identify actor, trigger, threshold and territorial authority.
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- Separate substantive entitlement from procedure, remedy and penal consequence.
- Retain the official instrument and event-date evidence.

Forms, records, portal and due-date control

Control	Evidence
Coverage and registration	Entity, location, headcount/category, registration number and portal acknowledgement.
Recurring compliance	Attendance/service, wage/benefit calculation, return/register, payment and employee communication.
Event compliance	

Complaint, injury, termination, nomination, claim, inspection or dispute file with limitation diary.

Employer, employee and professional checklists

Employer

- Assign responsible officer and backup.
- Configure HRIS/payroll/portal controls.
- Complete statutory communication and retain proof.

Employee/worker

- Retain contract, identity, attendance, payment and correspondence.
- Use the prescribed complaint/claim route within limitation.

Professional

- Confirm current text, Rules, notification and State variation.
- Reconcile calculation, form, authority, remedy and evidence.

Penalties, remedies, appeals and limitation

Create a remedy matrix rather than one combined conclusion: entitlement or arrears; interest/damages; administrative order; civil penalty; prosecution; compounding; company/officer liability; claim forum; appeal; writ/judicial review; and event-date limitation.

Case-law principles

Decision

Vishaka v. State of Rajasthan

Aureliano Fernandes v. State of Goa

Medha Kotwal Lele v. Union of India

Current-use principle

The constitutional prevention framework remains foundational; the 2013 Act now supplies the statutory process.

Constitution of committees, training and implementation require real institutional compliance, not paper appointments.

Workplace mechanisms must be effective, independent and capable of enforcing protections.

State variation alert

Verify the appropriate Government and final State instrument. State forms, authorities, fees, rates and portal routes must be maintained in the location compliance register.

Finin2min Q&A

Which law and version should be applied?

Use the current text of POSH Act and Rules, the commencement notification, the applicable Central or State Rules and any later instrument effective on the event date.

How is the appropriate Government identified?

Classify ownership/control, sector, establishment and contractor relationship before selecting the Central or State authority.

Can a company policy override the statutory protection?

No. A policy may improve a benefit or control, but it cannot contract out of a mandatory statutory floor.

What evidence should be retained?

Retain the classification memo, source instrument, form/portal record, calculation, approval, employee communication, acknowledgement and payment or authority proof.

Do the Central Rules apply to every establishment?

No. They govern the Central sphere. State Rules and State notifications must be checked where the State is the appropriate Government.

How should a historical event be tested?

Apply the law and subordinate instrument effective on the event date, then use the repeal-and-savings provision for pending rights and proceedings.

What happens when portal practice conflicts with the statute?

Record the conflict, follow the higher legal instrument, seek authority clarification where necessary and preserve screenshots and correspondence.

Can criminal and monetary consequences arise together?

They may. Separate wages/benefits, interest, damages, civil penalty, prosecution, compounding and director/officer liability.

Is a contractor arrangement enough to shift liability?

No. Principal-employer and contractor liabilities depend on the specific provision and facts; the contract should allocate evidence and recovery without diluting worker rights.

What is the first professional review step?

Freeze the event date and facts, identify the applicable provision, then map Rules, forms, notification status, authority, limitation and evidence.

What is the operational focus of section 1 - confidentiality-and-data-handling?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 2 - employer-compliance-checklist?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is the operational focus of section 3 - employer-duties-training-and-policy?

The section must be decomposed into actor, trigger, threshold, procedure, exception, consequence and evidence. Read the full official text and the mapped Rules before applying the Finin2min control summary.

What is review control 14 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 15 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 16 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 17 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

What is review control 18 for this chapter?

Confirm source currency, State variation, internal ownership, documentary proof and the next statutory deadline before closing the compliance ticket.

[← Previous: Interim relief, report and action](#)[Next: District monitoring, penalties and Rules →](#)

Practical transaction application

Use the chapter for policy design, Internal Committee constitution, vendor/workplace coverage, complaint intake, conciliation, inquiry, interim measures, disciplinary action, annual reporting and M&A compliance diligence.

Authority, consent and execution controls

Verify the Internal Committee constitution, Presiding Officer, external member, quorum, conflict checks and employer authority to implement recommendations. Management cannot substitute itself for the Committee, and party consent cannot waive confidentiality or mandatory process safeguards.

Stamp duty and registration alerts

Complaints, inquiry records and recommendations generally require confidentiality and controlled retention rather than registration. Settlement or employment instruments may still require State stamp review; confidentiality is not a reason to omit legally required reporting.

Evidence and document-retention checklist

Retain the operative law/rule version, classification note, approvals, signed instruments, statutory forms, portal acknowledgements, registers, calculations, bank proof, correspondence, inspection records, service proof, decision and appeal file. Apply the longer of the statutory retention rule, litigation hold, tax/audit need and contractual requirement; restrict access to personal and sensitive data.

Performance, delivery and payment controls

Maintain a restricted case file with complaint date, service, responses, hearing record, evidence index, interim relief, report, implementation and appeal notice. Separate need-to-know access from payroll or disciplinary execution.

Breach, loss, mitigation and remedy framework

On detecting a breach, stop continuing exposure, preserve evidence, quantify employee and government dues, identify affected persons, make lawful corrective payment/filing, notify the authorised decision-maker, assess self-disclosure or compounding where available, and reserve contractual recovery against responsible vendors without delaying statutory remediation.

Limitation and forum controls

Track the complaint window, extension reasons, inquiry timeline, employer action and appeal period. Use the Internal/Local Committee and statutory appellate route; employment-contract forum clauses cannot displace the statutory mechanism.

Arbitration and mediation interface

Conciliation is available only within the statutory boundaries and must not be based on monetary settlement. External mediation or arbitration cannot replace the Committee inquiry where the complaint proceeds under the Act.

Company, partnership, GST and tax overlays

For a company, align board/delegation and officer-in-default controls; for an LLP or partnership, identify the designated partner/partner and authorised employer representative. Labour dues can affect transaction price, indemnities, director/partner exposure and insolvency claims. Salary/TDS, perquisite, contractor TDS, GST on outsourced services and accounting provisions must be reconciled without treating tax treatment as proof of labour-law classification.